

Vote Recorded.

Senator DeBerry asked to be recorded as voting "no" on adoption of the amendment.

Amend S. B. No. 5 by striking out Section 17 and inserting in lieu thereof the following:

Sec. 17. The Commissioners' Court in counties having a population of 20,000 inhabitants, or less, according to the last preceding Federal Census at the first regular meeting in January of each calendar year, may pass an order providing for compensation of all county and precinct officers, on a salary basis, and in the event said Court passes such order, they shall pay unto each of said officers or deputies, assistants and clerks in money an annual salary in twelve equal installments of not less than the total sum received as compensation by said officer, deputy, assistant and clerk in his said official capacity for the fiscal year 1935, and not more than the maximum amount allowed such officer under existing general and special laws; provided that in counties having a population of 20,000 inhabitants, or less, according to the last preceding Federal Census, and with a property valuation in excess of \$10,000,000.00, the maximum amount allowed such officers as salaries, is hereby increased 1% for each \$1,000,000.00 valuation, or fractional part thereof, in excess of said \$10,000,000.00 valuation over and above the maximum amount allowed such officers under general and special laws existing on August 24, 1935.

DAVIS.

Read and adopted.

Vote Recorded.

Senator DeBerry asked to be recorded as voting "no" on adoption of the amendment.

Amend S. B. No. 5 by striking out Section 16 thereof.

DAVIS.

Read and adopted.

Vote Recorded.

Senator DeBerry asked to be recorded as voting "no" on the amendment.

Motion to Recess.

Senator Pace at 11:30 o'clock a. m. moved that the Senate recess until 10 o'clock a. m. Monday.

The motion lost by the following vote:

Yeas—11.

Burns.	Pace.
Cotten.	Redditt.
Hopkins.	Sanderford.
Hornsby.	Shivers.
Isbell.	Van Zandt.
Neal.	

Nays—13.

Beck.	Nelson.
Blackert.	Oneal.
Collie.	Poage.
Davis.	Rawlings.
Hill.	Sulak.
Martin.	Woodruff.
Moore.	

Present—Not Voting.

DeBerry.	Stone.
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Absent—Excused.

Fellbaum.	Small.
Holbrook.	Westerfeld
Regan.	

Senator Hill moved that the Senate recess until 2 o'clock p. m. today.

Senator Hill withdrew his motion.

Senator Stone moved that the Senate recess until 9:45 o'clock a. m. Monday.

Senator Hill renewed his motion to recess until 2 o'clock p. m. today.

The motion by Senator Stone prevailed by viva voce vote at 11:35 o'clock a. m.

SIXTH DAY (Continued).

Senate Chamber,
Austin, Texas,
October 28, 1935.

The Senate met at 9:45 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Walter F. Woodul.

Senate Bill No. 5.

Pending business was S. B. No. 5.

Motion to Reconsider.

Senator DeBerry moved to reconsider the vote by which the following Davis amendment was adopted:

Amend S. B. No. 5 by striking out Section 16 thereof.

DAVIS.

The motion to reconsider prevailed by viva voce vote.

Motion to Table.

Senator DeBerry moved to table the amendment.

The motion prevailed by viva voce vote.

Senator DeBerry sent up the following amendments:

Amend S. B. No. 5, Section 15, as amended, by striking out the words "and their deputies, assistants, and clerks" where they appear in that order.

DeBERRY.

Read and adopted.

Amend S. B. No. 5 Section 17, as amended, by striking out the words "or deputies, assistants and clerks" where they appear in that order.

DeBERRY.

Read and adopted.

Amend Section 16 of S. B. No. 5 by adding thereto the following:

Nothing herein shall change or affect the numbers, salaries of, or method of appointing deputies and assistants in counties of more than 350,000 inhabitants according to the last preceding or any future Federal Census, but such shall be appointed in the number, manner, and at the salary now provided by law for deputies and assistants in such counties.

MOORE.

Read and adopted.

Amend Section 15 of S. B. No. 5 by striking out the words "is hereby increased" and inserting in lieu thereof the words "may be increased."

COLLIE,
HILL.

Read and adopted.

Amend Davis amendment to Section 17 of S. B. No. 5 by striking out the words "is hereby increased" and inserting in lieu thereof the words "may be increased."

COLLIE,
HILL.

Read and adopted.

Messages From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin Texas, Oct. 28, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

S. C. R. No. 1, Authorizing the Governor of Texas to present a medal commemorating 100 years of peace to the Chief of the Alabama and Coushatti Indians.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Oct. 28, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate amendments to H. B. No. 26, and requests the appointment of a Conference Committee to adjust the differences between the two Houses. The following are appointed on the part of the House, with instructions to file a report not later than Friday, Nov. 1, 1935:

Messrs. Morrison, Gray, Calvert, Russell and Jones of Atascosa.

The House has passed the following bill:

H. B. No. 54, A bill to be entitled, "An Act to amend Article No. 2956, Revised Civil Statutes of Texas of 1925 as amended by the Regular Session of the Forty-fourth Legislature and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Oct. 28, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 5, Expressing the approval of the Legislature of Texas of State Works Progress Administration Application Nos. 300-24; same

being a project which would discover land now escaping taxation.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senator Sanderford was recognized for a privileged motion.

House Bill No. 26.

Senator Sanderford moved that the Senate grant the request of the House for the appointment of a conference committee to adjust the differences between the House of Representatives and the Senate on H. B. No. 26.

Senators Poage and Oneal sent up the following substitute motion.

We move that the Senate accede to the request of the House for the appointment of a Conference Committee and that the Senate conferees on H. B. No. 26 be instructed not to incorporate in any bill the Conference Committee may report to the Senate a provision for a sales tax or for a gross receipt tax on retail sales of merchandise.

POAGE,
ONEAL.

Read and pending.

Point of Order.

Senator Moore raised the point of order that the substitute motion was out of order because the question of appointing the conferees and the question of instructing the conferees should be voted on separately.

The Chair overruled the point of order.

Senator DeBerry was recognized for discussion of the motion.

Point of Order.

Senator Moore raised the point of order that Senator DeBerry's remarks were out of order, as they violated the rules of procedure in debate.

The Chair sustained the point of order.

Amend the Poage and Oneal motion by striking out the words "of merchandise" at the end of the Section and insert in lieu thereof the following: "on necessities of life."

RAWLINGS.

Read and pending.

Motion to Recess.

Senator Hill at 12 o'clock noon moved that the Senate recess until 2 o'clock p. m.

The motion prevailed by viva voce vote.

After Recess.

The Senate met at 2 o'clock p. m. pursuant to recess and was called to order by Lieutenant Governor Walter F. Woodul.

House Bill No. 26.

Pending business was the pending substitute motion by Senators Poage and Oneal with the pending amendment by Senator Rawlings.

Motion to Table.

Senator Woodruff moved to table the amendment by Senator Rawlings.

Senator Rawlings was recognized.

The motion to table lost by the following vote:

Yeas—12.

Blackert.	Nelson.
Cotten.	Oneal.
DeBerry.	Pace.
Hill.	Poage.
Hornsby.	Westerfeld.
Isbell.	Woodruff.

Nays—12.

Beck.	Rawlings.
Collie.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Martin.	Stone.
Neal.	Van Zandt.

Absent—Excused.

Fellbaum.

(Pairs Recorded.)

Senator Burns (present) who would vote yea, with Senator Davis (absent) who would vote nay.

Senator Moore (present) who would vote yea, with Senator Small (absent) who would vote nay.

Senator Shivers (present) who would vote yea, with Senator Sulak (absent) who would vote nay.

The Chair voted "nay" on the motion to table.

The question recurred on the adoption of the amendment by Senator Rawlings.

The amendment was lost by the following vote:

Yeas—12.

Beck.	Rawlings.
Collie.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Martin.	Stone.
Neal.	Van Zandt.

Nays—12.

Blackert.	Nelson.
Cotten.	Oneal.
DeBerry.	Pace.
Hill.	Poage.
Hornsby.	Westerfeld.
Isbell.	Woodruff.

Absent—Excused.

Fellbaum.

(Pairs Recorded.)

Senator Shivers (present) who would vote nay, with Senator Sulak (absent) who would vote yea.

Senator Moore (present) who would vote nay, with Senator Small (absent) who would vote yea.

Senator Burns (present) who would vote nay, with Senator Davis (absent) who would vote yea.

The Chair voted "nay" on adoption of the amendment.

Amend the Poage and Oneal amendment by adding the following:

Said conferees are hereby further instructed not to put any tax provisions in their report, but leave the matter of tax bills and revenue measures for the House to originate and first pass as required by the constitution.

HORNSBY.

Read.

The amendment by Senator Hornsby was adopted by the following vote:

Yeas—18.

Blackert.	Neal.
Collie.	Nelson.
Cotten.	Oneal.
DeBerry.	Pace.
Holbrook.	Rawlings.
Hornsby.	Regan.
Isbell.	Stone.
Martin.	Van Zandt.
Moore.	Woodruff.

Nays—8.

Beck.	Redditt.
Burns.	Sanderford.
Hopkins.	Shivers.
Poage.	Westerfeld.

Present—Not Voting.

Hill.

Absent—Excused.

Davis.	Small.
Fellbaum.	Sulak.

Previous Question.

Senator DeBerry moved that the Senate order the previous question on the substitute as amended.

The motion was seconded.

The previous question was ordered by the following vote:

Yeas—15.

Beck.	Nelson.
Blackert.	Oneal.
Collie.	Pace.
Cotten.	Poage.
DeBerry.	Van Zandt.
Hill.	Westerfeld.
Hornsby.	Woodruff.
Isbell.	

Nays—12.

Burns.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Regan.
Martin.	Sanderford.
Moore.	Shivers.
Neal.	Stone.

Absent—Excused.

Davis.	Small.
Fellbaum.	Sulak.

The substitute motion as amended was adopted by the following vote:

Yeas—16.

Blackert.	Moore.
Collie.	Neal.
Cotten.	Nelson.
DeBerry.	Oneal.
Hill.	Pace.
Holbrook.	Poage.
Hornsby.	Westerfeld.
Isbell.	Woodruff.

Nays—11.

Beck.	Rawlings.
Burns.	Redditt.
Hopkins.	Regan.
Martin.	Sanderford.

Shivers. Van Zandt.
Stone.

Absent—Excused.

Davis. Small.
Fellbaum. Sulak.

Conference Committee Appointed.

The Chair appointed the following conferees on the part of the Senate on H. B. No. 26:
Senators Sanderford, Shivers, Davis, Regan and Holbrook.

Message from the Governor.

Executive Office,
Austin, Texas, Oct. 28, 1935.
To the Senate of the Forty-fourth Legislature, In Second Called Session:

I ask the advice, consent and confirmation of the Senate to the following appointments:

To Be Directors of the Brazos River Conservation and Reclamation District:

W. E. Abbas, of Cleburne, Johnson County;
Dr. M. H. Brannen, Spur, Dickens County;
W. W. Callen, of Waco, McLennan County;
Henry Dunlavy, of Temple, Bell County;
J. S. Fox, of Granger, Williamson County;
Herbert Hilburn, of Plainview, Hale County;
John D. Rogers, of Navasota, Grimes County;
W. W. Siddons, of Hillsboro, Hill County;
Milton E. Daniels, of Breckenridge, Stephens County.

To Be Directors of the Leon River Conservation District:

Two-year terms:

Haynie Gilliland, of Baird, Callahan County;
W. W. Spear, of Eastland, Eastland County;
K. F. Page, of Eastland, Eastland County.

Four-year terms:

H. E. McRae, Jr., of Eastland, Eastland County;
B. L. Russell, of Baird, Callahan County.
J. F. Sparks, of Eastland, Eastland County.

Six-year terms:

Albert Taylor, of Eastland, Eastland County;
J. S. Yeager, of Putnam, Callahan County;

L. A. Hightower, of Eastland, Eastland County.

Respectfully submitted,

JAMES V. ALLRED,
Governor of Texas.

Read and referred to the Committee on Governor's Nominations.

Bill Referred.

H. B. No. 54 was read and referred to the Committee on Privileges, Suffrage and Elections.

Resolution Signed.

The Chair, Lieutenant Governor Walter F. Woodul, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following resolution:

S. C. R. No. 1.

H. C. R. No. 5.

The Chair laid before the Senate on its first reading the following resolution:

H. C. R. No. 5, Expressing the approval of the Legislature of Texas of State Works Progress Administration Application No. 300-24; same being a project which would discover land now escaping taxation.

Senator Redditt moved to suspend the rule requiring resolutions be referred to a committee.

The motion prevailed by viva voce vote.

H. C. R. No. 5 was adopted by viva voce vote.

Senate Bill No. 5.

Pending business was S. B. No. 5. Amend S. B. No. 5, after the word "paid," 46th line on page 7, by adding a new provision as follows:

"Provided that the commissioners court in its discretion, may authorize the employment of a secretary to the county judge in counties where the county judge acts as ex-officio county superintendent, and fix the compensation to be paid such secretary out of the general fund and/or the available school fund of such county."

COLLIE.

Read and adopted.

Amend S. B. No. 5 by adding a new sub-Section to Section 11, known as "sub-Section c":

"Provided that said county officers hereinabove enumerated shall be permitted to retain out of the money on hand on the first of each month, an amount sufficient to pay all probable, necessary expenses for the ensuing month, including telephone, stamps, stationery and other necessary expenses."

COTTEN.

Read and adopted.

Amend Section 17, as amended by adding at the end thereof the following sentence:

"Provided, however, no salaries covered by this paragraph shall exceed the sum of four thousand five hundred (\$4,500.00) dollars regardless of the percentage of increase in population and valuation."

NEAL.

Read and adopted.

Amend S. B. No. 5 as amended, Section 16, subdivision 5, line 20 by adding the following after the words "per annum."

"Heads of departments may be allowed by the commissioners' court, when in their judgment such allowance is justified, the sum of \$200.00 per annum in addition to the amount herein allowed when such heads of departments sought to be appointed shall have previously served the county or political sub-division thereof for not less than four continuous years."

SHIVERS.

Read and adopted.

Amend S. B. No. 5 by adding immediately after Section No. 21 a Section to be numbered No. 22 and to read as follows:

"All county attorneys in counties in which there is no district attorney shall from the effective date of this Act be criminal district attorneys and be so designated. But this Act shall not affect their duties or their tenure of office. The compensation of said officers is not fixed in this Act. The Sections of this bill following the above amendment shall be renumbered accordingly."

ONEAL.

Read and pending.

Resolution Signed.

The Chair, President Pro Tem. W. R. Poage, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following resolution:

H. C. R. No. 5.

Recess.

Senator Cotten at 5:05 o'clock p. m. moved that the Senate recess until 10 o'clock a. m. Tuesday.

Motion pending.

Executive Session.

Senator Oneal moved that the Senate go into executive session at 5:10 o'clock p. m. to consider Governor's nominations.

The time having arrived the chamber was cleared and the doors locked.

After Executive Session.

At the conclusion of executive session the Secretary of the Senate informed the Journal Clerk that the following action had been taken:

Committee Room,

Austin, Texas, Oct. 28, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Governor's Nominations, to whom was referred the following appointments,

Have had same under consideration, and I, as chairman of said committee, am instructed to report same back to the Senate with the recommendation that they be in all things confirmed.

To Be Directors of the Brazos River Conservation and Reclamation District:

W. E. Abbas, of Cleburne, Johnson County;

Dr. M. H. Brannen, Spur, Dickens County;

W. W. Callen, of Waco, McLennan County;

Henry Dunlavy, of Temple, Bell County;

J. S. Fox, of Granger, Williamson County;

Herbert Hilburn, of Plainview, Hale County;

John D. Rogers, of Navasota, Grimes County;

W. W. Siddons, of Hillsboro, Hill County;

Milton E. Daniels, of Breckenridge, Stephens County.

To Be Director of the Leon River Conservation District:

Two-year terms:

Haynie Gilliland, of Baird, Callahan County;

W. W. Spear, of Eastland, Eastland County;

K. F. Page, of Eastland, Eastland County.

Four-year terms:

H. E. McRae, Jr., of Eastland, Eastland County;

B. L. Russell, of Baird, Callahan County;

J. F. Sparks, of Eastland, Eastland County.

Six-year terms:

Albert Taylor, of Eastland, Eastland County;

J. S. Yeager, of Putnam, Callahan County;

L. A. Hightower, of Eastland, Eastland County.

To Be Notary Public in and for Brown County, Texas:

Joe Cauthorn, CCC Co. 3818, of Brownwood, Brown County, Texas.

ONEAL, Chairman.

Recess.

The motion to recess prevailed by viva voce vote at 5:20 o'clock p. m.

SIXTH DAY—(Continued).

Senate Chamber,
Austin, Texas,
October 29, 1935.

The Senate met at 10.00 o'clock a. m. pursuant to recess, and was called to order by Lieutenant Governor Walter F. Woodul.

Senate Resolution No. 9.

Senator Pace was recognized to send up the following resolution:

Whereas, Honorable Wallace Hughston, former Senator from the Tenth Senatorial District is in the City of Austin; Therefore be it

Resolved that he be invited to address the Senate and be given the

privilege of the floor of the Senate during the day.

ISEBELL,
PACE,
COTTEN.

Read and unanimously adopted.

The Chair appointed Senators Pace, Isbell and Cotten, to escort the distinguished former member, to the platform.

Lieutenant Governor Walter F. Woodul presented Senator Isbell who in turn presented the Hon. Wallace Hughston, and he addressed the Senate briefly.

Senate Bill No. 5.

Pending business was S. B. No. 5. Senator Poage sent up the following substitute for pending amendment by Senator Oneal:

Amend S. B. No. 5 as amended in line — by inserting the following:

"Whenever any criminal district attorney and/or county attorney performs the duties of a district attorney his compensation together with the compensation of his assistants all as hereinbefore fixed shall be paid out of the county officers salary fund but the State shall pay into such fund each year an amount equal to a sum which bears the same proportion to the total salary of such criminal district attorney and/or county attorney performing the duties of a district attorney, together with the salary of his assistants as all felony fees collected by such official during the year of 1935 bears to the total fees collected by such official during such year."

POAGE.

Read.

Senator Oneal received unanimous consent to withdraw his pending amendment.

The Poage substitute became the pending amendment.

Motion to Table.

Senator DeBerry moved to table the amendment by Senator Poage.

The motion to table lost by the following vote:

Yeas—9.

Beck.
Blackert.

Collie.
Cotten.